IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Judge's Order No.59 of 2007
In
Suit No.6798 of 1999

Smt.Mary G. Ranikoya. .. .. Plaintiff
v/s.
Shri Jayram S. Shetty .. .. Defendant

Ms.Geeta Shastri i/by S.P. Srivastava for Plaintiff.

Mr.C.I.Motagi with Mr.P.L.Mahadik for Defendant.

CORAM : SMT.R.S. DALVI, J.

DATED : 21st March, 2007

P.C. :

1. By an order dated 21.8.2006, the Defendant was directed to deposit certain compensation and future compensation, upon failure of which, Court Receiver was to stand appointed in respect of the suit premises. The Defendant failed to deposit. The Court Receiver stood appointed. The Court Receiver sought to take possession. The Defendant obstructed. The Plaintiff, therefore, has taken out the Judge's Order for taking forcible possession of the suit premises to appoint the Plaintiff as the agent. The Defendant has now seen reason. He has produced the Pay order of Rs.5,88,000/- in the name of the Prothonotary and Senior Master of this Court towards the entire arrears of compensation until 31.3.2007. The Plaintiff objects to the acceptance of the said Pay Order.

2. In view of the fact that the Pay Order is now obtained,

the Pay Order is accepted and the Judge's Order is at present not signed. It shall have to be seen whether the Defendant continues to deposit the amount of compensation, as directed each month even after April 2007. If the Defendant fails to deposit further compensation, the Plaintiff shall be entitled to press the Judge's Order. Consequently, the Pay Order is accepted and shall be deposited by the Prothonotary and Senior Master to the credit of this Suit.

3. Judge's Order is adjourned to 5th July 2007.

4. In the meantime, the Receiver shall take formal possession of the suit premises and put his board on the suit premises.

(Smt.R.S. Dalvi, J.)